

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7274

BILL NUMBER: HB 1683

NOTE PREPARED: Mar 27, 2003

BILL AMENDED: Mar 27, 2003

SUBJECT: Railroads

FIRST AUTHOR: Rep. L. Lawson

FIRST SPONSOR: Sen. Harrison

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill establishes a monetary penalty for the failure to establish a program or make services available. It permits the State Revenue Motor Carrier Services Division to adopt rules concerning the statute that regulates contract carriers who transport railroad employees. The bill makes violations of the statute a Class C infraction.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) The proposal provides that a suit to recover the penalty as provided may be brought by the Attorney General on behalf of the Department of Transportation. The Attorney General's office would handle this suit as it does other such suits and can be accomplished with the current staff. The fund affected for the Attorney General is the state General Fund.

The Department of Revenue Motor Carrier Services Division will issue rules under existing procedures at no additional cost.

Explanation of State Revenues: (Revised) The penalty for failure to establish a counseling or trauma program and make certain services available for employees involved in accidents resulting in death or serious bodily injury is set at not less than \$100 and not more than \$500 for each violation. The specific impact will depend upon the number of violations which occur. The fund into which the penalty would be deposited is not specified, but the Attorney General's office reports that the money is recorded by the Attorney General and deposited into the state General Fund.

Penalty Provision: Concerning contract carriers who transport railroad employees, if additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected.

The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures:

Explanation of Local Revenues: (Revised) *Penalty Provision Concerning Contract Carriers:* Contract carriers who transport railroad employees are subject to a Class C Infraction. If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Attorney General; Department of Transportation; Department of Revenue.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Jennifer Thuma, Legislative Counsel of the Attorney General, 233-6143; Jim Poe, Director of Motor Carrier Services, Department of Revenue, 615-7201.

Fiscal Analyst: Jim Sperlik, 317-232-9866.